

### **REMARKS/ARGUMENTS**

Claims 1-9, 11 and 12 remain in this application. Claims 10 has been previously canceled.

The Examiner has objected to the Title for not having a meaningful description of the coding process.

Applicant has changed the title and it is believed that the title is descriptive of the invention.

Withdrawal of this objection is requested.

Claims 1-9 are rejected under 35 U.S.C. §103 as being unpatentable over Gersho in view of Lozach.

Claims 11 and 12 are rejected under 35 U.S.C. §103 as being unpatentable over Gersho and Lozach further in view of Zehavi.

Withdrawal of these §103 rejections is requested.

Applicant disagrees with the Examiner's analysis of the cited art.

Gersho teaches a multistage VQ for coding vocal speech at a variable rate in a simpler way, by progressively (stage by stage) adapting (by using a second stage of coding) the coding after computing a difference between the successive stages (figures 12-19 and 12-20). In these new pages of Gersho, there is nothing about the number of coded words, or codebooks, this being a feature (primary and secondary codes) recited in claim 1 of the pending application, where the difference is coded as a secondary code, the primary code being the nearest reference discovered by the comparison.

Furthermore, the random vector  $X$ , specially because it is random data, cannot constitute any reference, which induces that Gersho's encoding method cannot include any comparison between codebooks and any reference provided that codebooks are similar to acoustic units.

Lozach teaches a specific embodiment of another multistage codebook method for speech coding with LPC.

Lozach teaches the use of dictionaries (fig 10), but they are not libraries as in claim 1 of the present application, because they do not include references, otherwise they would not be affected by the coding process as told in column 13 at lines 59-60, and by formula (21). These dictionaries are always recomputed except at only some orthogonalization steps (column 14, lines 15-16). It is understood that they do not contain reference phonemes (or acoustic units) as in claim 1. Moreover, because there is no reference in Lozach, there is not any comparison with any reference as in claim 1. With respect, Lozach and Gersho are similar.

So, as far as non obviousness is concerned, it would not have been obvious to the one skilled in the art to deduce from Gersho, in view of Lozach, the use of library references, with which acoustic units are compared, as in claim 1 of the pending application.

For the above reasons, applicant urges that the instant claims are neither anticipated nor obviated by the references cited by the Examiner. Reconsideration and withdrawal of the §103 rejections of applicant's claims is respectfully requested.

It is believed that all claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited.

### AUTHORIZATION

If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 801-2146. The undersigned may also be contacted by e-mail at [ecr@gtlaw.com](mailto:ecr@gtlaw.com).

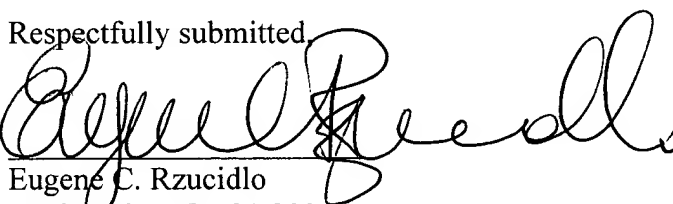
No additional fee is believed to be necessary. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-1561.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1561.

Dated: December 28, 2004

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read 'Eugene C. Rzucidlo', written over a horizontal line.

Eugene C. Rzucidlo  
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